

**Form 41. Notice of Execution, Exemptions and Right to a Hearing.**

**IMPORTANT: YOUR PROPERTY MAY BE TAKEN TO PAY A CREDITOR. PLEASE READ THIS CAREFULLY.**

The attached Writ of Execution has been issued on request of a judgment creditor (the Plaintiff) who sued you and got a judgment against you. This means that land or personal property owned by you may be taken by the Plaintiff to pay the judgment against you.

The law provides that certain property cannot be taken to pay judgments. Such property is said to be exempt. The following is a partial list of property that is or may be exempt:

1. A homestead up to the amount allowed by law (see Utah Code, Section 78-23-4 regarding the proper procedure to declare and file a homestead)
2. A motor vehicle used in trade or business up to the amount allowed by law
3. Tools of the trade up to the amount allowed by law
4. Social Security Benefits
5. Supplemental Security Income Benefits (SSI)
6. Veterans' Benefits
7. Unemployment Benefits
8. Worker's Compensation Benefits
9. Public Assistance (Welfare)
10. Alimony or Child Support
11. Certain Pensions
12. Part of all of wages or other earnings from personal services
13. Certain furnishings and appliances
14. Certain musical instruments
15. Certain heirlooms

This is a partial list and other various property exemptions may be available under federal law or the Utah Exemption Statute. You may want to review the Utah Exemption Statute (Section 78-23 of the Utah Code) for other possible exemptions.

There is no exemption solely because you are having difficulty paying your debts.

The above exemptions may not apply to judgments for alimony, support, or maintenance, or to state or local taxes, or to allowable claims listed in Utah Code Ann. § 78-23-10.

If there is a co-owner of the property taken, you or the co-owner should request a hearing.

**IF THE PROPERTY DOES NOT BELONG TO YOU, OR IF YOU ARE AWARE OF OTHER REASONS WHY THIS PROPERTY SHOULD NOT BE TAKEN, YOU OR THE OWNER OF THE PROPERTY MAY WANT TO CONSULT AN ATTORNEY.**

Because of the execution, the sheriff or constable has seized your property and will deliver it to the Plaintiff or sell it.

If you believe that the Writ of Execution was issued improperly or you are entitled to an exemption, **DO THE FOLLOWING IMMEDIATELY**. You have a deadline of ten (10) days from the date the Plaintiff mailed or delivered this notice to you.

1. Check the appropriate box(es) in paragraph one of the attached "Request for Hearing."
2. Sign your name in the space indicated and write the address where the Court Clerk is to notify you of the hearing.
3. Mail or take the "Request for Hearing" to the Court Clerk and to the Plaintiff or the Plaintiff's attorney within ten (10) days from the date this notice was mailed or delivered to you. Keep the second copy of the "Request for Hearing" for your records. The Court Clerk will set the matter for hearing and notify you. You have the right to a hearing within ten (10) days from the date the Court Clerk receives your claim. At the hearing in Court, you will have to prove that your property is exempt or the Writ of Execution was not properly issued. You should bring any documents which may help to prove your claim.

**A KNOWINGLY MADE FALSE STATEMENT ON THE FORM MAY SUBJECT YOU TO CRIMINAL PENALTIES.**

You may want to consult an attorney for advice or assistance concerning the hearing. If you do not come to Court at the designated time and prove that the execution was issued improperly or that your property is exempt, you may lose some of your rights.

If you do not request a hearing within the time specified above, but believe that the execution was issued improperly or that you are entitled to an exemption, you should consult an attorney.

NAME OF COURT

A. B.,

vs.

Plaintiff,

C. D.,

Defendant.

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REQUEST FOR HEARING

Case No. \_\_\_\_\_

Judge \_\_\_\_\_

1. Complete paragraph one if you claim the property executed upon is exempt:

(\_\_\_) (a) The property which has been executed upon is exempt from execution because it is  
(Check applicable boxes):

(\_\_\_) Homestead up to the amount allowed by law

(\_\_\_) A motor vehicle used in my trade or business and having a value below that allowed by  
law

(\_\_\_) Tools of the trade

(\_\_\_) Social Security Benefits

(\_\_\_) Supplemental Security Income (SSI)

(\_\_\_) Veterans' Benefits

(\_\_\_) Unemployment Benefits

(\_\_\_) Worker's Compensation Benefits

(\_\_\_) Public Assistance (Welfare)

(\_\_\_) Alimony or Child Support

(\_\_\_) Pensions

(\_\_\_) Wages or other earnings from personal services

(\_\_\_) Owned by another person

(\_\_\_) Only partly owned by me

(\_\_\_) Certain tools of the trade below the value allowed by law

☐ Certain furnishings and appliances

☐ Certain musical instruments

☐ Certain heirlooms

☐ Other (describe): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ (b) Check if applicable: I have attached copies of the documents that show that my property is exempt.

2. Complete paragraph two if you believe the Writ of Execution was improperly issued:

☐ (a) I believe that the writ of execution was issued improperly. (Explain) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ (b) Check if applicable: I claim ownership of all or part of the property taken and I am not one of the persons against whom a judgment has been entered.

☐ (c) Check if applicable: I do not own the property taken.

I REQUEST THAT THIS MATTER BE SET FOR A HEARING.

THE STATEMENTS MADE IN THIS REQUEST ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature